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November 4, 1996

VIA HAND DELIVERY

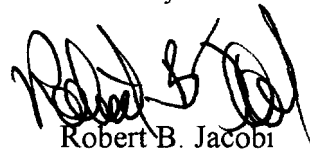
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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Secretary

On behalf of Mt. Wilson FM Broadcasters, Inc., licensee of Station KKHI-FM, San Rafael, California, there is herewith transmitted an original and 4 copies of its Response to National Association of Broadcasters Reply Comments.

Sincerely


Robert B. Jacobi

Enclosures



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BEFORE THE

Federal Communications Commission

In the Matter of)

Grandfathered Short-Spaced)
FM Stations)MM Docket No. 96-120
RM 7651**RECEIVED****NOV 4 1996**

To: Mass Media Bureau

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY****RESPONSE OF MT. WILSON FM BROADCASTERS, INC.
TO NATIONAL ASSOCIATION OF BROADCASTERS REPLY COMMENTS**

In August, 1996, the FCC granted the request of a National Association of Broadcasters ("NAB") for an extension of time (through October 4, 1996) to file Reply Comments in the above-referenced proceeding and, further, afforded interested parties an additional thirty (30) days to file responses. Mt. Wilson FM Broadcasters, Inc. ("Mt. Wilson"), licensee of Station KKHI-FM, San Rafael, California, by and through its attorneys, hereby respectfully responds to the NAB Reply Comments.

1. The NAB's proposal to require each and every modification application to demonstrate compliance with the four "basic qualification" criteria (identified at NAB, Reply Comments, pp. 11-12) is an invitation to disaster.^{1/} Virtually every application for

^{1/} Contrary to the NAB "choice" verbiage (Reply Comments, p. 11), the proposed qualifying criteria do not comprise "...a series of choices." Indeed, the NAB proposal
(continued...)

a move will be contested by the claim that interference is increased. To avoid the obvious flood of litigation and the unnecessary and wasteful use of Commission resources which would be required in order to manage the processing of the applications, the Commission should adopt a simple "go-no-go" solution.

2. The proponents have provided documentation in support of the Commission proposals. The NAB engineering exhibits, however, are not really responsive. The NAB contends:

a. that automotive receivers are generally much better at rejecting unwanted co and first adjacent channel interfering signals than home stereos and portable radios (Reply Comments, p. 7); and

b. that two of the three non-automotive receivers studied are significantly less capable of rejecting unwanted second adjacent channel interfering signals than automotive receivers.

To merely state that non-automotive receivers are not as efficient as automotive receivers in terms of rejecting interference adds literally nothing to this proceeding; clearly, it does not establish that non-automotive receivers are less than adequate in terms of rejecting second and third adjacent channel interference.

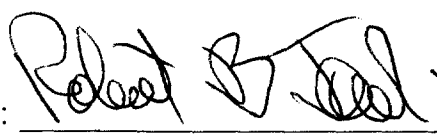
^{1/} (...continued)
contemplates that every applicant must demonstrate compliance with all four of the criteria.

3. The "real life" situation with respect to short-spaced grandfathered stations is that because of the so-called "doughnut situation," the relocation of the grandfathered transmitter site will shift the theoretical interference from one area to another area. The only practical solution (short of rejecting the FCC proposal) is the solution proposed by the Commission, to the effect that short-spaced grandfathered second and third adjacent channel stations may relocate anywhere so long as they do not increase interference to co-channel and adjacent channel stations. The adoption of such a "go-no-go" standard is both practical and fair.

4. The NAB engineering exhibits did not address the issue of third adjacent channel short-spaced stations. There exists ample empirical evidence that third adjacent channel stations have very little effect in terms of harmful interference. To impose qualifying standards (as the NAB suggests) on third adjacent short-spaced situations in the absence of any documentation would be irresponsible.

Respectfully submitted,

MT. WILSON FM BROADCASTERS, INC.

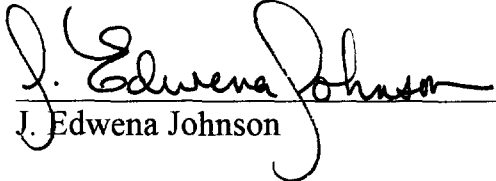
By: 
Robert B. Jacobi
Its Attorney
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Dated: November 4, 1996

CERTIFICATE OF SERVICE

I, J. Edwena Johnson, hereby certify that on this 4th day of November, 1996 a true and correct copy of the foregoing "Response of Mt. Wilson FM Broadcasters, Inc. to National Association of Broadcasters Reply Comments" was delivered via United States Mail, first class, postage prepaid to:

Barry D. Umansky, Esq.
National Association of Broadcasters
1771 N Street, NW
Washington, DC 20036-2891


J. Edwena Johnson